(3) (1)

CH 007

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WP. NO. 2749 **OF 2003**

PETITIONER : Smt. P.L. Picus
W/o Shri C. Picus
aged about 57 years Occupation
L.H.V., Community Health Centre,
Bhatapara, Dist.- Raipur (C.G.)

VERSUS

RESPONDENTS : (1) State of Chhattisgarh
Through- Secretary Health
Department, D.K.S.
Bhawan, Raipur (C.G.)

(2) C.M.O. (chief medical officer)
Dist.- Raipur Chhattisgarh

P. R. No. 2566/03
Presented by Shri Sumit
dated 29/08/03

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(24)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 2749/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6/9/2003

Heard Shri Sumit Jhanwar for the petitioner.

Shri Praveen Das, Panel Lawyer, for the respondents on advance copy.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged her transfer order dated 1/8/2003, by which she has been transferred from Community Health Centre, Bhatapara, district Raipur to Primary Health Centre, Chandrakhuri, district Raipur.

At the relevant time, the petitioner was working as a lady health visitor at Community Health Centre, Bhatapara district Raipur; she was posted there since 1989 and she has been transferred by order dated 1/8/2003 to Primary Health Centre, Chandrakhuri, district Raipur. The petitioner has mentioned in para 5.6 of the writ petition that the transfer order has been issued without any administrative exigencies. The petitioner is suffering from high blood pressure, on account of which it is difficult for her to travel and her regular treatment is going on at Bhatapara. The petitioner is the sole earning member of the family as her husband is retired person, who has

[पीछे देखिये

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 2749/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

already suffered heart attack and her children are also studying at Bhatapara. The transfer order is mala fide and illegal, therefore, the transfer order be quashed.

I have heard the learned counsel for the parties.

It is admitted fact that the petitioner was working at Bhatapara since 1989. Even though in para 6.1 of the petition, it has been mentioned that the transfer order is mala fide and illegal; but how it is mala fide and illegal, it has not been mentioned in the writ petition and the petitioner has not been able to establish that the transfer has been made on account of mala fide. Moreover, the petitioner is already working at Bhatapara since 1989, therefore, it cannot be considered that the transfer has been made against any guide-line or statutory rule. If the petitioner has any family problem, then she is entitled to make a representation before the appropriate authority and it is for the appropriate authority to consider the representation. Therefore, the petitioner is allowed to make a representation to respondent no.1 within a period of ten days raising all her grievances and on the receipt of the representation, respondent no.1 will decide

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 2749/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the same within a period of thirty days in an objective manner with reasoned order.

With the aforesaid observations, this writ petition is disposed of.

In view of the above, M.W.P. No.2515/03 and I.A. No.8314/03 stand disposed of.

Sd/-
L.C.BHADOO
Judge

[पीछे देखिये